

JS 44 (Rev. 12/07, NJ 5/08)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

LEWIS HOYE

**DEFENDANTS**

NCO FINANCIAL SYSTEMS, INC.

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_

County of Residence of First Listed Defendant \_\_\_\_\_

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Tara L. Patterson, Esquire  
Kimmel & Silverman, P.C.  
30 E. Butler Pike  
Ambler, PA 19002  
(215) 540-8888

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity): 42 U.S.C.A. Section 2000 et seq.; 29 U.S.C. Section 623(a); 42 U.S.C. Section 1201

Brief description of cause:

Title VII, Age Discrimination in Employment Act; ADA &amp; PHRA

**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$**

 CHECK YES only if demanded in complaint:  
**JURY DEMAND:** ☒ Yes ☐ No
**VIII. RELATED CASE(S)**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

Explanation:

DATE

12-23-10

SIGNATURE OF ATTORNEY OF RECORD

Tara L. Patterson

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 7016 Sheldrake Place, Philadelphia, PA 19153

Address of Defendant: 507 Prudential Road, Horsham, PA 19041

Place of Accident, Incident or Transaction: \_\_\_\_\_  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases 15 U.S.C. § 1692  
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

## ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Tara L. Patterson, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 12-23-10

Tara L. Patterson  
Attorney-at-Law

88343  
Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 12-23-10

Tara L. Patterson  
Attorney-at-Law

88343  
Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Lewis Hoyer : CIVIL ACTION  
v. :  
NCO Financial Systems, Inc. : NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>12-23-10</u> Date	<u>Tara L. Patterson</u> Attorney-at-law	<u>Lewis Hoyer</u> Attorney for
<u>215-546-8888</u> Telephone	<u>877-788-2864</u> FAX Number	<u>tpatterson@creditlaw.com</u> E-Mail Address

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **FOR THE**  
3                                   **EASTERN DISTRICT OF PENNSYLVANIA**

4 LEWIS HOYE,                                   )

5                                   Plaintiff                                   )

6                                   v.                                   )

7                                   NCO FINANCIAL SYSTEMS, INC.,                                   )

8                                   Defendant                                   )

9                                   **Case No.:**

10                                   **COMPLAINT AND DEMAND FOR**  
11                                   **JURY TRIAL**

12                                   **(Unlawful Debt Collection Practices)**

13                                   **COMPLAINT**

14                   LEWIS HOYE ("Plaintiff"), by his attorneys, KIMMEL & SILVERMAN,  
15                   P.C., alleges the following against NCO FINANCIAL SYSTEMS, INC.  
16                   ("Defendant"):

17                                   **INTRODUCTION**

18                   1.     Plaintiff's Complaint is based on the Fair Debt Collection Practices  
19                   Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

20                                   **JURISDICTION AND VENUE**

21                   2.     Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d),  
22                   which states that such actions may be brought and heard before "any appropriate  
23                   United States district court without regard to the amount in controversy," and 28  
24                   United States district court without regard to the amount in controversy," and 28  
25

1 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising  
2 under the laws of the United States.

3  
4 3. Defendant conducts business and has an office in the Commonwealth  
5 of Pennsylvania and therefore, personal jurisdiction is established.

6 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

7 5. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and  
8 2202.  
9

### 10 **PARTIES**

11 6. Plaintiff is a natural person residing in Philadelphia, Pennsylvania,  
12 19153.

13  
14 7. Plaintiff is a "consumer" as that term is defined by 15 U.S.C. §  
15 1692a(3).

16 8. Defendant is a national debt collection company with its corporate  
17 headquarters located at 507 Prudential Road in Horsham, Pennsylvania, 19044.

18  
19 9. Defendant is a "debt collector" as that term is defined in 15 U.S.C. §  
20 1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.

21 10. Defendant acted through its agents, employees, officers, members,  
22 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,  
23 representatives, and insurers.  
24  
25

11. The Fair Debt Collection Practices Act ("FDCPA") is a comprehensive statute, which prohibits a catalog of activities in connection with the collection of debts by third parties. See 15 U.S.C. § 1692 *et seq.* The FDCPA imposes civil liability on any person or entity that violates its provisions, and establishes general standards of debt collector conduct, defines abuse, and provides for specific consumer rights. 15 U.S.C. § 1692k. The operative provisions of the FDCPA declare certain rights to be provided to or claimed by debtors, forbid deceitful and misleading practices, prohibit harassing and abusive tactics, and proscribe unfair or unconscionable conduct, both generally and in a specific list of disapproved practices.

12. In particular, the FDCPA broadly enumerates several practices considered contrary to its stated purpose, and forbids debt collectors from taking such action. The substantive heart of the FDCPA lies in three broad prohibitions. First, a "debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt." 15 U.S.C. § 1692d. Second, a "debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt." 15 U.S.C. § 1692e. And third, a "debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt." 15 U.S.C. §

1 1692f. The FDCPA is designed to protect consumers from unscrupulous  
2 collectors, whether or not there exists a valid debt, broadly prohibits unfair or  
3 unconscionable collection methods, conduct which harasses, oppresses or abuses  
4 any debtor, and any false, deceptive or misleading statements in connection with  
5 the collection of a debt.  
6

7 13. In enacting the FDCPA, the United States Congress found that  
8 “[t]here is abundant evidence of the use of abusive, deceptive, and unfair debt  
9 collection practices by many debt collectors,” which “contribute to the number of  
10 personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of  
11 individual privacy.” 15 U.S.C. § 1692a. Congress additionally found existing  
12 laws and procedures for redressing debt collection injuries to be inadequate to  
13 protect consumers. 15 U.S.C. § 1692b.  
14

15 14. Congress enacted the FDCPA to regulate the collection of consumer  
16 debts by debt collectors. The express purposes of the FDCPA are to “eliminate  
17 abusive debt collection practices by debt collectors, to insure that debt collectors  
18 who refrain from using abusive debt collection practices are not competitively  
19 disadvantaged, and to promote consistent State action to protect consumers against  
20 debt collection abuses.” 15 U.S.C. § 1692e.  
21  
22  
23  
24  
25



**FACTUAL ALLEGATIONS**

15. At all relevant times, Defendant was attempting to collect an alleged consumer debt from Plaintiff.

16. The alleged debt at issue arose out of transactions, which were primarily for personal, family, or household purposes.

17. Beginning in or around April of 2010 and continuing through June 2010, Defendant repeatedly and continuously contacted Plaintiff on his home and cellular telephones, as well as at his place of employment, in its attempts to collect a debt.

18. On a number of occasions, Defendant contacted Plaintiff using telephone number (877) 825-4011, which the undersigned has confirmed belongs to Defendant.

19. Defendant contacted Plaintiff on his cellular telephone almost every day, causing Plaintiff to receive, on average, at least two (2) collection calls a day, and more than ten (10) collection calls a week.

20. Defendant's repeated and continuous telephone calls to Plaintiff in its attempts to collect a debt caused Plaintiff to receive more than twenty (20) collection calls a month.

21. When Defendant contacted Plaintiff at his place of employment, Defendant would leave messages on his voice mail stating, in part, "This is NCO



1 calling for Lewis Hoyer in attempt to collect a debt, asking for Lewis Hoyer to call  
2 back.”

3  
4 22. In those instances when Plaintiff was out of the office, Plaintiff’s co-  
5 workers would retrieve his voice mail messages and heard Defendant’s messages  
6 that it was attempting to collect a debt from Plaintiff.

7  
8 23. In addition to repeatedly and continuously contacting Plaintiff on his  
9 home and cellular telephones, as well as at his place of employment, in its  
10 attempts to collect a debt, Defendant also contacted Plaintiff’s family, again  
11 leaving messages on their answering machine stating, “This is NCO calling for  
12 Lewis Hoyer in attempt to collect a debt, asking for Lewis Hoyer to call back.”

13  
14 24. Defendant’s repeated calls to Plaintiff’s family were done simply to  
15 harass and embarrass Plaintiff.

16  
17 25. Upon information and belief, Defendant sought to collect a debt from  
18 Plaintiff despite the fact that it had no knowledge of its validity.

19  
20 26. Defendant’s actions in attempting to collect the alleged debt were  
21 harassing, abusive and highly deceptive.

### 22 CONSTRUCTION OF APPLICABLE LAW

23 27. The FDCPA is a strict liability statute. Taylor v. Perrin, Landry,  
24 deLaunay & Durand, 103 F.3d 1232 (5th Cir. 1997). “Because the Act imposes  
25 strict liability, a consumer need not show intentional conduct by the debt collector

1 to be entitled to damages.” Russell v. Equifax A.R.S., 74 F. 3d 30 (2d Cir. 1996);  
2 see also Gearing v. Check Brokerage Corp., 233 F.3d 469 (7th Cir. 2000) (holding  
3 unintentional misrepresentation of debt collector’s legal status violated FDCPA);  
4 Clomon v. Jackson, 988 F. 2d 1314 (2d Cir. 1993).

6 28. The FDCPA is a remedial statute, and therefore must be construed  
7 liberally in favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235  
8 (W.D. Wash. 2006). The remedial nature of the FDCPA requires that courts  
9 interpret it liberally. Clark v. Capital Credit & Collection Services, Inc., 460 F. 3d  
10 1162 (9th Cir. 2006). “Because the FDCPA, like the Truth in Lending Act (TILA)  
11 15 U.S.C §1601 *et seq.*, is a remedial statute, it should be construed liberally in  
12 favor of the consumer.” Johnson v. Riddle, 305 F. 3d 1107 (10th Cir. 2002).

15 29. The FDCPA is to be interpreted in accordance with the “least  
16 sophisticated” consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168  
17 (11th Cir. 1985); Graziano v. Harrison, 950 F. 2d 107 (3<sup>rd</sup> Cir. 1991); Swanson v.  
18 Southern Oregon Credit Service, Inc., 869 F.2d 1222 (9th Cir. 1988). The FDCPA  
19 was not “made for the protection of experts, but for the public - that vast multitude  
20 which includes the ignorant, the unthinking, and the credulous, and the fact that a  
21 false statement may be obviously false to those who are trained and experienced  
22 does not change its character, nor take away its power to deceive others less  
23 experienced.” Id. The least sophisticated consumer standard serves a dual  
24  
25

1 purpose in that it ensures protection of all consumers, even naive and trusting,  
2 against deceptive collection practices, and protects collectors against liability for  
3 bizarre or idiosyncratic interpretations of collection notices. Clomon, 988 F. 2d at  
4 1318.  
5

6 **COUNT I**  
7 **DEFENDANT VIOLATED THE**  
8 **FAIR DEBT COLLECTION PRACTICES ACT**

9 30. In its actions to collect a disputed debt, Defendant violated the  
10 FDCPA in one or more of the following ways:

- 11 a. Defendant violated of the FDCPA generally;  
12  
13 b. Defendant violated § 1692b(2) of the FDCPA by stating the  
14 Plaintiff owed a debt to another person, specifically his colleagues;  
15  
16 c. Defendant violated § 1692b(3) of the FDCPA by communicating  
17 with Plaintiff's colleagues more than once about a debt alleged to  
18 be owed by Plaintiff;  
19  
20 d. Defendant violated § 1692c(b) of the FDCPA by communicating  
21 with Plaintiff's colleagues about a debt alleged to be owed by  
22 Plaintiff without Plaintiff's prior consent;  
23  
24 e. Defendant violated § 1692d of the FDCPA by harassing Plaintiff  
25 in connection with the collection of an alleged debt;  
f. Defendant violated § 1692d(5) of the FDCPA, when it caused the

1 Plaintiff's telephone to ring repeatedly or continuously with the  
2 intent to harass, annoy or abuse Plaintiff;

3  
4 g. Defendant violated § 1692e of the FDCPA by using false,  
5 deceptive, or misleading representations or means in connection  
6 with the collection of a debt;

7  
8 h. Defendant violated § 1692f of the FDCPA by using unfair and  
9 unconscionable means with Plaintiff to collect or attempt to collect  
10 a debt;

11  
12 i. Defendant acted in an otherwise deceptive, unfair and  
13 unconscionable manner and failed to comply with the FDCPA.

14 WHEREFORE, Plaintiff, LEWIS HOYE, respectfully pray for a judgment as  
15 follows:

- 16 a. All actual compensatory damages suffered pursuant to 15 U.S.C. §  
17 1692k(a)(1);
- 18 b. Statutory damages of \$1,000.00 for each violation of the FDCPA  
19 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- 20 c. All reasonable attorneys' fees, witness fees, court costs and other  
21 litigation costs incurred by Plaintiff pursuant to 15 U.S.C. §  
22 1693k(a)(3); and
- 23 d. Any other relief deemed appropriate by this Honorable Court.  
24  
25

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, LEWIS HOYE, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

DATED: 12-23-10

KIMMEL & SILVERMAN, P.C..

By: Tara L. Patterson

Tara L. Patterson

Attorney ID # 88343

Kimmel & Silverman, P.C.

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